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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,606	11/28/2003	Chin-Chih Lin	BHT - 3092 - 395	8251
7590	03/29/2005		EXAMINER	
BRUCE H. TROXELL SUITE 1404 5205 LEESBURG PIKE FALLS CHURCH, VA 22041			LE, TAN	
			ART UNIT	PAPER NUMBER
			3632	

DATE MAILED: 03/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/722,606	LIN, CHIN-CHIH	
	<b>Examiner</b>	<b>Art Unit</b>	
	Tan Le	3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 28 November 2003.

2a)  This action is FINAL.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-13 is/are pending in the application.  
4a) Of the above claim(s) 3 is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1,4,5,8-10 and 13 is/are rejected.  
7)  Claim(s) 2,6,7,11 and 12 is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All   b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_.

**DETAILED ACTION**

1. This is the first office action for serial number 10/722,606. This application contains 13 claims numbered 1-13.

***Election/Restrictions***

2. Applicant's election without traverse of the species of Figures 1-2 and 5. Claims 1-2 and 4-13 in the reply filed on 03/07/05 is acknowledged.

Currently claims 1-2 and 4-15 are readable to the elected species. An examination as follows.

3. Claim 3 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim.

***Priority***

4. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

**Abstract**

5. Applicant is reminded of the proper language and format for an abstract of the disclosure. The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4-5 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 6,579,017 to Wei.

Regarding claim 1, Wei teaches a tripod, which enables the user to conveniently adjust the position of the camera platform horizontally as well as vertically, comprising: a bottom plate (70, 80) (Fig. 2) (see marked-up copy), a fixing member being mounted at a front side of the bottom plate and being composed of a support base and a joint seat (50) with the joint seat at a center thereof having a through shaft groove (52), a rotational member (40) being a U shaped frame, extending downward along two lateral sides thereof a wing plate (where hole 41 located) respectively with the wing plate beside an inner side thereof being a packing ring (91) and a space in between fitting with the joining seat and an axial bolt (43) passing over a securing hole (41) of the two wing plates and the shaft groove (52) with an end of the axial bolt (43) being engaged to one of the wing plates and another end of the axial bolt (43) being engaged to a threaded fastener (42) to commonly enclose and press against two lateral sides of the joining seat (50); and a spherical nest device having a positioning ball (20) with an extension rod (a threaded fastener)(no numeral) being enclosed with a semi-spherical durable ring (30) at two lateral sides thereof respectively, being covered with a blocking

lid (90) and a front cover (10) in a way of the extension rod piercing outward through the blocking lid to engage with the rotational member (40) such that the rotational member can be adjusted an inclining angle backward and forward with respect to the fixing member and the front cover (10) can be multi-directionally adjusted with respect to the positioning ball.

Regarding claim 4, Wei also teaches the bottom plate being provided with plate holes (73, 81) or plate grooves for being passed through with screws such that the bottom plate can be attached to a stationary object.

Regarding claim 5, Wei teaches the bottom plate at a center thereof is provided with at least a piercing hole (73, 81) and the fixing member at a support base thereof has a corresponding threaded hole (51) disposed at a bottom edge thereof such that threaded hole (51) can engage with a screw (no numeral) passing through the piercing hole so as to join the bottom plate and the fixing member.

Regarding claim 13, Wei also teaches the fastener being a hand knob threaded bolt (42, 43).

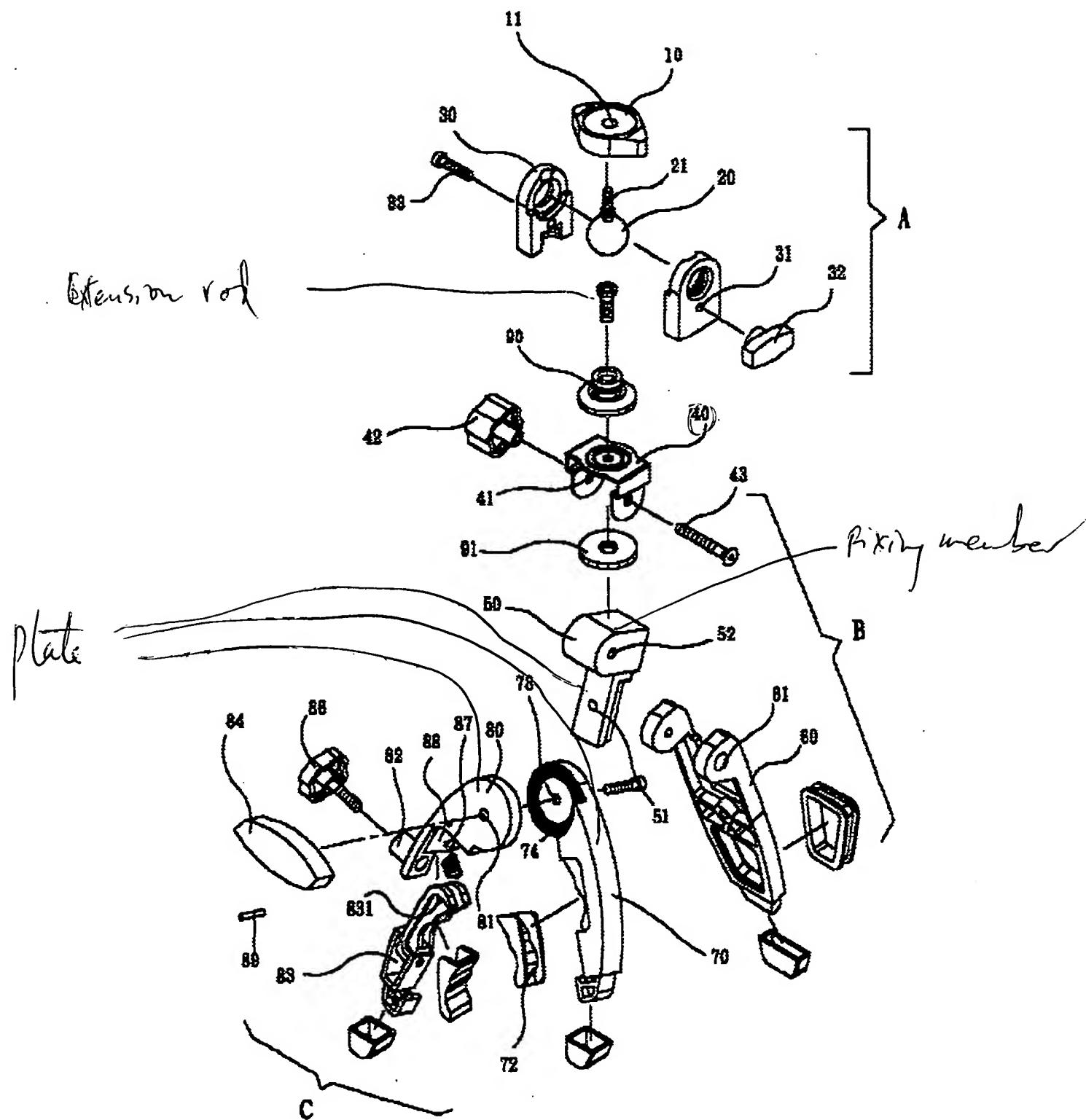


FIG. 2

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wei.

Wei does not appear to teach the axial bolt having a bolt head with at least a flat edge and the wing plates have an engaging part with an extending stopper against the flat edge.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the bolt head with a flat edge and the wing plates with an extending stopper against the flat edge for the desired purpose of simply locking the bolt to wing plates when the knob threaded bolt is tightened.

Wei also does not teach the wing plates being covered with a decoration cover. It would also have been obvious to one of ordinary skill in the art at the time the invention was made to include a decoration cover on the wing plate since decoration is simply considered as a matter of design choice.

***Allowable Subject Matter***

8. Claims 2, 6-7 and 11-12 are objected to, but would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6,367,756 to Wang

6,343,006 to Moscovitch et al.

6,554,238 to Hibberd

6,520,467 to Thomas et al.

6,220,556 to Sohrt et al.

6,581,892 to Carnevali

6,561,476 to Carnevali

5,271,651 to Blatt et al.

1,934,141 to Prentice

EP 1,139,003 to Bosson.

The above patents disclose various types of adjustable device supports having engaging balls.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Le whose telephone number is (703) 305-8244. The examiner can normally be reached on Mon. through Fri. from 9:00 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie Braun can be reached on (703) 308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TL

Tan Le  
Patent examiner  
March 18, 2005.

  
LESLIE A. BRAUN  
SUPERVISORY PATENT EXAMINER